

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Trustee-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff,

Plaintiff,

v.

NATIXIS, NATIXIS CORPORATE &
INVESTMENT BANK (f/k/a IXIS
CORPORATE & INVESTMENT BANK),
NATIXIS FINANCIAL PRODUCTS, INC.,
BLOOM ASSET HOLDINGS FUND, and
TENSYS LIMITED,

Defendants.

Adv. Pro. No. 10-05353 (SMB)

**STIPULATION AND ORDER CONCERNING NATIXIS'S MOTION TO
DISMISS AND THE TRUSTEE'S MOTION FOR LEAVE TO REPLEAD**

Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff (the "Trustee") and Defendant Natixis Financial Products LLC (as successor in interest to Natixis Financial Products Inc.) ("Natixis FP"), by and through their respective undersigned counsel, (collectively, the "Parties"), agree as follows:

WHEREAS, on June 18, 2018, the Court denied the Trustee's Motion for Court Order Authorizing Limited Discovery Pursuant to Fed. R. Civ. P. 26(d)(1) (ECF No. 17640), and acknowledged that the parties thereto agreed that further briefing and proceedings on the Trustee's Motion for Leave to Replead would be deferred until after the Court entered a decision on the Trustee's Motion for Discovery. *See* Order Concerning Further Proceedings on Trustee's Motion for Leave to Replead and for Limited Discovery, ¶ 4, dated July 24, 2017 (ECF No. 16428).

WHEREAS, the Trustee intends to file a motion for leave to file an amended complaint.

WHEREAS, the Trustee's deadline to respond to the motion to dismiss (the "Motion to Dismiss") filed by Natixis FP is currently August 24, 2018.

WHEREAS, the Parties have agreed to an extension of the Trustee's time to respond to the Motion to Dismiss, during which time the Trustee anticipates filing his motion for leave to amend, which, if granted, could moot the Motion to Dismiss.

IT IS HEREBY STIPULATED AND AGREED, that the Trustee need not respond to the Motion to Dismiss, but will instead file a motion for leave to replead. As a result, the Motion to Dismiss shall be held in abeyance while the Trustee's motion for leave to replead is pending, and the pre-trial conference, previously scheduled for December 19, 2018, and return date, previously scheduled for November 28, 2018, shall each be canceled.

IT IS FURTHER STIPULATED AND AGREED, the Trustee shall file his motion for leave to replead on or before October 22, 2018 and Natixis FP shall file its opposition on or before January 18, 2019. The Trustee shall file its reply, if any, on or before March 1, 2019.

IT IS FURTHER STIPULATED AND AGREED, following the Court's decision on the Trustee's motion for leave to replead, Natixis shall have the option of relying on its existing Motion to Dismiss or filing a new motion to dismiss.

The extension of time granted by this stipulation (the "Stipulation") is without prejudice to any future extensions of time.

Except as expressly set forth herein, the Parties reserve all rights and defenses they may have, and entry into this Stipulation shall not impair or otherwise affect such rights and defenses, including without limitation any defenses based on lack of jurisdiction.

This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

[Remainder of page intentionally left blank.]

Dated: August 23, 2018
New York, New York

BAKER & HOSTETLER LLP

By: /s/ Catherine E. Woltering
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Catherine E. Woltering
Email: cwoltering@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for
the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and the estate
of Bernard L. Madoff*

DAVIS & GILBERT LLP

By: /s/ Joseph Cioffi
1740 Broadway
New York, New York 10019
Telephone: (212) 468-4800
Facsimile: (212) 468-4888
Joseph Cioffi
Email: jcioffi@dglaw.com
Bruce M. Ginsberg
Email: bginsberg@dglaw.com
James R. Serritella
Email: jserritella@dglaw.com

*Attorneys for Defendant Natixis Financial
Products LLC (as successor in interest to
Natixis Financial Products Inc.)*

SO ORDERED this 23rd day of August, 2018.

/s/ STUART M. BERNSTEIN
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCTY
JUDGE